

UNITED STATES MARINE CORPS

HEADQUARTERS AND SERVICE BATTALION MARINE CORPS BASE QUANTICO, VIRGINIA 22134-5043

> BnO 1700.2G w/Ch 1,2 B 07-4 14 Nov 97

BATTALION ORDER 1700.2G w/Ch 1, 2

From: Commanding Officer
To: Distribution List

Subj: REQUEST MAST PROCEDURES

Ref: (a) U.S. Navy Regulations

(b) MCO 1700.23E(c) MCO P1900.16E(d) MCO P5354.1C(e) MCBO 1700.5C

Encl: (1) Request Mast Record (NAVMC 11296)

1. <u>Purpose</u>. To publish procedures for the conduct of request mast in accordance with references (a) through (e).

2. Cancellation. BnO 1700.2F.

3. Information

- a. Reference (a) outlines the Commanding Officer's responsibility concerning the welfare of his/her Marines, including a requirement that they be afforded an opportunity, with reasonable restrictions as to time and place, to make requests, reports, or statements to him/her. It is therefore of paramount importance that these Marines understand the appropriate procedures for making such requests, reports, or statements.
- b. Reference (a) further stipulates that a Marine has the right to have direct communication with the Commanding Officer at a proper time and place, and prohibits the denial or restriction of that right by any person in the Naval service.
- c. Any Marine has the right to request mast with commanders up to and including the immediate Commanding General in their chain of command in accordance with reference (b).
- d. Marines availing themselves of the right of request mast in good faith may do so without fear of reprisal or prejudice to their interest.

- e. The Uniform Code of Military Justice (UCMJ) provides for the protection of the rights of a Marine at every stage of disciplinary action, from investigation through final review or appeal. These rights include the right of a Marine upon whom nonjudical punishment has been imposed to appeal to the next superior officer in the chain of command, and in the case of one convicted by court-martial, the right of automatic review of the findings and sentence. Request mast is not intended as a means to collaterally attach the proceedings, punishment, or findings and sentence resulting from disciplinary action brought under the UCMJ. A commanding officer may deny a request mast which has as its subject such disciplinary action, whether contemplated, pending, in progress or final.
- f. Reference (c) contains provisions for the protection of rights of respondents being processed for involuntary administrative separation. Accordingly, commanders may deny a request mast that has as its subject involuntary administrative discharge proceedings whether contemplated, pending, in progress or final.
- g. A Marine does not have to state the matter of concern either orally or in writing to anyone in the chain of command except the officer before whom the Marine wishes to appear at request mast.
- h. The request mast must be forwarded via the chain of command without delay and will be conducted expeditiously except in cases of operational necessity or urgent military requirements.
- i. Request mast is not intended to be used for the purposes of harassment, avoiding duty, or intentionally interfering with the commanders ability to carry out the functions and mission of this Organization.
- j. Request mast is the primary means for submitting Equal Opportunity formal complaints in accordance with reference (d).

4. Chain of Command

- a. The definition of chain of command for request mast with the Battalion Commander is: Section Head/OIC, Company Commander, Battalion Commander.
- b. The chain of command for request mast with the <u>Commanding</u>
 <u>General</u> is: Section Head/OIC, Company Commander, Battalion Commander,
 Commanding General, Marine Corps Base.

5. Request Mast Procedures at Company/Battalion Level

- a. The Battalion Commander will usually hold request mast in his/her office, Building 2006, by expeditious appointment after requests are received by the Battalion Sergeant Major.
- b. Marines desiring to request mast with the Company Commander/Battalion Commander/Commanding General will make their request to the Section Head/OIC by completing the enclosure in accordance with reference (e). If the Section Head/OIC cannot solve the problem to the Marine's satisfaction, he/she will note his/her efforts and forward the request mast to the Company Commander.
- c. The Company Commander will attempt to resolve the problem. If the problem cannot be resolved at the company level, the request mast will be forwarded to the Battalion Commander. The written request, with appropriate endorsements, will be forwarded with the Service Record Book/Officer Qualification Record (SRB/OQR) to the Battalion Sergeant Major/S-1 Officer who will arrange for the Marine to be seen by the Battalion Commander. If the Sergeant Major is unavailable, the s-1 Officer will arrange the appointment.
- d. Request masts will be heard within 24 hours if possible. If more time is needed by the Company Commander to resolve the request informed of his/her progress.

6. Request Mast Procedures with Higher Authority

- a. Request mast may be conducted in the Commanding Officer, Headquarters and Service Battalion's office, Building 2006. If the request mast cannot be resolved at that level, it will be forwarded to the Commanding General, Marine Corps Base.
- b. The request \underline{may} be submitted via the chain of command and consist of the following:
 - (1) The enclosure submitted in duplicate.
- (2) The Marine's SRB/OQR and other records that may be appropriate.
- (3) Forwarding endorsements from each echelon at which the Marine is seen.

- c. The petitioner may prepare a complete written statement setting forth the reasons for the request mast and provide any supporting documentation and/or list of witnesses with a summary of the expected testimony of each witness. The statement <u>must also</u> include an accounting of those persons within the chain of command to whom the Marine had addressed the subject of the petition for request mast and the action "taken/not taken within the chain of command in the resolution, and particular assistance desired of the Commanding General. If the petitioner does not reveal the subject of the request mast prior to proper authorities within the chain of command, the reasons for doing so must be explained. This statement must be delivered to the Commanding General, together with the petition for request mast.
- d. The petition for request mast with the Commanding Genera will be forwarded via the chain of command without delay. At the option of the petitioner, the written statement noted above may be placed in an envelope and marked, "To be opened by the Commanding General only".
- e. Request mast will be conducted at the earliest reasonable time and not later than 24 hours after the initial submission of the petition, whenever possible.
- f. Requests of an emergency nature will be forwarded by the most expeditious means through the chain of command to the Commanding General so as to arrive not later than 24 hours after the time of the request.
- g. An officer will not in any way delay the forwarding of a request mast up command echelons. Each Section Head/OIC, Company Commander in the chain of command will make every reasonable effort to resolve the problem at the lowest level.

7. Action

a. Company Commanders

- (1) Ensure that this Order is posted on company bulletin boards.
- (2) Ensure procedures for request mast are completed in accordance with this Order.

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- (3) Ensure that upon return of the enclosure, the Marine indicates by endorsement his/her degree of satisfaction. Provide the Marine with a copy of the request mast. Return the original request mast to this Organization (B 07-1) for retention.
- (4) Ensure that all records, procedures and final disposition of request mast cases are properly safeguarded to afford Marines the right to request mast without it being properly safeguarded to afford Marines the right to request mast without it being prejudicial to their well being.
- (5) Maintain statistical information concerning request masts by Marines of their company for two years in accordance with reference (d).

b. Battalion Sergeant Major

- (1) Arrange appointments for request mast with the Battalion Commander on the same date the request is received.
- (2) Maintain a tickler file on those cases requiring further follow up action be echelons of this Organization.

c. Petitioner

- (1) Make a written statement on enclosure (1) indicating the degree of satisfaction with the action taken by the person hearing the request mast.
- (2) If a petition for request mast with a higher commander in the chain of command is satisfactorily solved at a lower level, make a written statement in the record of request mast indicating satisfaction with the action taken and voluntary withdrawal of the petition to the higher commander. This statement will be witnessed by a third party.

E. S. CLARKE
By direction

Distribution: A